

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

PRESS ROBINSON, EDGAR CAGE,
DOROTHY NAIRNE, EDWIN RENE
SOULE, ALICE WASHINGTON, CLEE
EARNEST LOWE, DAVANTE LEWIS,
MARTHA DAVIS, AMBROSE SIMS,
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
("NAACP") LOUISIANA STATE
CONFERENCE, AND POWER COALITION
FOR EQUITY AND JUSTICE,
Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as
Secretary of State for Louisiana.

Defendant.

Civil Action No. 3:22-cv-00211-SDD-RLB

MOTION FOR STATUS CONFERENCE

NOW INTO COURT, come Plaintiffs to request that this Court set a status conference as soon as is practicable to discuss an expedited briefing schedule for Plaintiffs' Motion for a Preliminary Injunction. Plaintiffs intend to file that Motion promptly, and in any event no later than April 15, 2022.

Plaintiffs' arguments in support of this Motion are more fully laid out in the attached Memorandum.

Counsel has contacted opposing counsel to ask whether they consent to this Motion. The Office of the Attorney General advised that Defendant could not respond with its position in the time requested by Plaintiffs. Counsel for Intervenor states that they do not

object to a status conference but do not have sufficient information at this time to consent or object to Plaintiffs' proposed expedited briefing schedule.

Date: April 8, 2022

Respectfully submitted,

By: /s/John Adcock

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**Pro hac vice applications forthcoming*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on April 8, 2022, the forgoing was served on all counsel of record by electronic notification via CM/ECF notification.

/s/ John Adcock _____
John Adcock, L.A. Bar No. 30372

Counsel for Plaintiffs

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**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR STATUS
CONFERENCE**

Plaintiffs request that this Court set a status conference as soon as is practicable to discuss an expedited briefing schedule for Plaintiffs' Motion for a Preliminary Injunction. Plaintiffs intend to file that Motion promptly, and in any event no later than April 15, 2022. It is imperative that the Motion be heard expeditiously because of the impending 2022 congressional elections.

Under FRCP Rule 16(a), a court may order attorneys to appear for a conference for the purpose of, among other things, "expediting disposition of the action" and "establishing early and continuing control so that the case will not be protracted." Courts "shall expedite

the consideration of” any action “if good cause therefore is shown.” 28 U.S.C. § 1657(a). For purposes of this section, “good cause” is shown “if a right under the Constitution of the United States or a Federal Statute . . . would be maintained in a factual context that indicates that a request for expedited consideration has merit.” *Id.*

As alleged in the Complaint, on March 30, 2022, in a vote that broke down along racial and party lines, the Louisiana Legislature overrode the Governor’s veto and enacted a redistricting plan for the U.S. congressional elections that deprives Black Louisianans of a meaningful opportunity to elect representatives of their choice. Plaintiffs filed this action later that day, challenging the congressional district plan under Section 2 of the Voting Rights Act. As set forth in detail in the Complaint, the congressional redistricting plan enacted by the Legislature violates Section 2 of the Voting Rights Act because Black Louisianans, who represent approximately 31% of the State’s population, are deprived of the opportunity to elect their candidate of choice in five of the State’s six congressional districts, all of which are majority white. *See Thornburg v. Gingles*, 478 U.S. 30, 43 (1986) (finding that state congressional redistricting violates Section 2 of the Voting Rights Act where members of a protected class have “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice”); *Johnson v. Ardoin*, 2019 WL 2329319 (M.D. La., May 31, 2019) (finding that plaintiffs’ had sufficiently pled a cause of action arising under Section 2 of the Voting Rights Act based on alleged use of 2011 Congressional Plan that included only one majority Black congressional district.

The right to a meaningful vote under the Voting Rights Act is plainly encompassed by Section 1657(a) and actions to protect that right should be resolved expeditiously. *See*,

e.g., *Thomas v. Bryant*, Case No. 3:18-cv-00441-CWR-FKB, ECF No. 28 (S.D. Miss. Nov. 16, 2018) (granting plaintiffs’ motion for expedited schedule in Section 2 challenge to state legislative plan); *Kirksey v. City of Jackson, Miss.*, 625 F.2d 21, 22 (5th Cir. 1980) (ordering district court to expedite voting rights case challenging at-large districts on remand because of “the importance of this case and its urgency in terms of [upcoming] elections”).

Addressing the issues presented by this action is a matter of urgency. The candidate qualifying period is set to commence in July, just over three months from now, and Election Day is November 8, or in approximately seven months. Adjudicating plaintiffs’ claims and determining an appropriate remedy, including the adoption of a new redistricting map, could take two months. Prompt adjudication of plaintiffs’ motion is particularly critical in view of the Supreme Court’s instruction, under *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006), that the federal courts not interfere with state elections, including with respect to redistricting, close to the election date. *E.g.*, *Merrill v. Milligan*, 142 S. Ct. 879, 879 (2022) (staying injunction under Voting Rights Act against adoption of congressional redistricting map in Alabama where injunction was entered nine weeks before the beginning of primary elections). While there is still sufficient time to adjudicate this matter in conformity with *Purcell*, in view of the fact that the election will not be held until November, the available time to do so is short.

Accordingly, as noted, Plaintiffs intend to move promptly, and no later than April 15, 2022, for a preliminary injunction enjoining defendant from using the legislatively approved congressional redistricting map for the congressional elections to be held on November 8, 2022.

For the foregoing reasons, Plaintiffs request that the Court schedule a status conference at its earliest convenience. Plaintiffs further request that the Court enter an Order at or before the status conference pursuant to which (i) briefs and supporting papers in opposition to Plaintiffs' Motion for a Preliminary Injunction will be due 10 days after the motion is filed; and (ii) Plaintiffs' reply papers, if any, are due 7 days thereafter.

Date: April 8, 2022

Respectfully submitted,

By: /s/John Adcock

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* *Pro hac vice* applications forthcoming

Counsel for Plaintiffs

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ORDER

UPON CONSIDERATION of the Motion for Status Conference, IT IS ORDERED that the Motion is GRANTED. The parties shall appear before this Court on _____, 2021 at _____ for a status conference.

Baton Rouge, Louisiana, this _____ day of _____, 2022.

CHIEF JUDGE SHELLY D. DICK
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA